

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul Huenke
Serial No. : 10/792,128
Filed : March 4, 2004
Title : CARGO BUCKET SYSTEM

Art Unit : 3612
Examiner : Hilary Gutman

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed March 15, 2005, the applicant provisionally elects the invention of Species A as recited in claims 1-5. In addition, the applicant has amended claim 6 to depend from claim 2, and also provisionally elects to prosecute the invention recited in claims 6-10. The applicant respectfully requests the consideration of claims 1-10 for the reasons set forth below.

The Examiner's restriction to a single species of invention that is chosen from the Species identified in the Office Action as A-D is entirely improper. A restriction is proper only when two or more claims in an application are either independent or distinct. See, MPEP § 803. The burden is on the Examiner to provide "particular reasons" why she deems two or more claims in an application to be independent or distinct. See, MPEP § 803 and § 816. No such reasons have been provided in the instant application, other than the Examiner's wholly conclusory remark that "no claims appear to be generic." Consequently, the Examiner's restriction should be withdrawn for at least this reason.

Moreover, the applicant has amended claim 6 to depend from claim 2. Claim 2, which itself depends from and contains all the limitations of claim 1, recites a cargo bucket system

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 15, 2005

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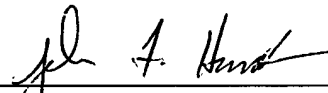
having "a frame hingedly attached to the rear corner posts of a vehicle." Claim 6, as amended, recites the cargo bucket system of claim 2, "wherein said frame is adjustable." Thus, claims 1 and 2 are generic to claim 6.

The Examiner must examine each of dependent claims 6-10 on the merits if she can do so "without serious burden." See, MPEP § 803. Since claims 1 and 2 are generic to claims 6-10, the applicant respectfully submits that claims 6-10 can be examined on the merits without serious burden to the Examiner. Consequently, the applicant requests the Examiner to withdraw the restriction of claims 6-10.

No fees are believed due with this response, however, please apply any applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 4/15/05



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